

Honolulu, Hawaii

APR 10 2015

RE: H.B. No. 346  
H.D. 1  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 346, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE CIVIL PROCESS,"

begs leave to report as follows:

The purpose and intent of this measure is to increase the fees paid to civil process servers. More specifically, this measure increases:

- (1) Fees for serving specified documents;
- (2) The rate for mileage necessarily traveled in serving documents; and
- (3) The minimum hourly fee that may be paid in lieu of service and mileage fees by agreement of the serving party and the server;

Your Committee received written comments in support of this measure from two individuals. The Department of Public Safety, Hawaii Financial Services Association, and one individual submitted written comments on the measure.

Your Committee finds that it has been over ten years since the fee structure for service of process has been examined. During that ten years, cost of living and doing business in Hawaii



has risen significantly. Reasonably increasing fees will ensure that civil process servers are compensated fairly for their services without unduly burdening those paying the fees.

Your Committee also finds that there are two separate fee schedules in statute for sheriffs, deputy sheriffs, police officers, and independent process servers serving civil process. While similar, these two fee schedules are not identical. Aligning the two fee schedules will create clarity and efficiency for those serving process and for those paying for services.

Your Committee has amended this measure by:

- (1) Aligning the district court fee schedule for sheriff, deputy sheriff, police officer, and civil process servers on the Department of Public Safety's list for service of civil process established under section 607-4(d), Hawaii Revised Statutes, with the fee schedule established under section 607-8(a), Hawaii Revised Statutes;
- (2) Making the fee for serving a subpoena or subpoena duces tecum the same as the fee for serving a civil summons or any other civil process except a garnishee summons;
- (3) Changing the fee increase for serving a civil summons, subpoena, subpoena duces tecum, or other civil process from \$40 to \$43;
- (4) Reducing the fee increase for serving a garnishee summons from \$40 to \$30;
- (5) Increasing from \$1,000 to \$10,000 the threshold at which the fee for serving any execution or other process for the collection of money is reduced from 5 cents per dollar collected to 2-1/2 cents per dollar collected;
- (6) Deleting the fee increases for serving any execution or other process for the collection of money;
- (7) Deleting the increase to the minimum hourly civil process server fee; and
- (8) Making the measure effective upon approval.



As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 346, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 346, H.D. 1, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
\_\_\_\_\_  
JILL N. TOKUDA, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* <b>HB346 HDI SDI</b>	Committee Referral: <b>JDL, WAM</b>	Date: <b>4/2/15</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KOUCHI, Ronald D. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood				✓
HARIMOTO, Breene				✓
INOUE, Lorraine R.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>3</b>
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

\*Only one measure per Record of Votes